

EXHIBIT A

THE SUPREME COURT OF THE
UNITED STATES OF AMERICA

JAMIE EDELKIND	/		
PLAINTIFF	/	Supreme Court Original Actio	
	/	(Article III Jurisdiction)	
V.	/		
	/	Plaintiffs	
MORRIS E. LASKER - U.S. Distict Judge Ma.	/	Original Jurisdiction C	il Action
The UNITED STATES OF AMERICA	/	Pursuant to Article III	f the
The UNITED STATES CONGRESS	/	U.S. Constitution:	
The UNITED STATES DEPARTMENT OF JUSTICE	/	Complâint for injuctive	elief,
The UNITED STATES ATTORNEY GENERAL	/	Monetary damages, Impea	ment
The UNITED STATES DISTRICT COURT, Ma.	/	proceedings, and Due pr	ess
PAUL LEVENSON - ASSISTANT U.S. ATTORNEY, MA.	/	violations of Plaintiff	civil
MICHAEL SULLIVAN - U.S. ATTORNEY, MA.	/	rights as provided for	\$1983

COMPLAINT FOR DAMAGES AND OTHER RELIEF

The Plaintiff, Jamie Edelkind, in the above captioned matter, seeks ~~and~~ an adjudication of argument and facts for appropriate relief in comportment to Constitutional provisions and statutory law. By way of reference and reincorporation (exhibit a, Plaintiff petition for leave to file) and (exhibit b, Plaintiffs brief in support of Plaintiffs leave to file) are attached hereto. Plaintiff relies on these two exhibits as constituent compone 3 of the complaint as iff full restated ~~herein~~ herein.

Allegations:

1. Defendants have willfully engaged in a pattern of ant constitutional and unlawful conduct, in violation of the pert ent oaths of office, and thus the civil rights of the plaintiff, To whit:

a. The Defendant, Congress, has created a class of Nobility proscribed by the constitution of the United States

by appointing Judges for "life" terms , and in so doing put Plaintiff in the position of having to bring this action to preserve and protect his rights.

b. The Defendant, Lasker et al have directly or through deliberate oversight or by willful breach of law deprived plaintiff of Due Process of law by:

- i. 6th amendment violation - failure to state an offense in charging documents.
- ii. 5th, 6th, 14th, amendment violations - due process violations by lack of arraignment and pleas, and speedy trial act.
- iii. 1st and 8th amendment violation- Starving and torturing Plaintiff because of religious beliefs and practices, during the criminal action undertaken against Plaintiff by Defendants.
- iv. 5th amendment violation - Coerced and procured proscribed document containing putative confession in violation of court rules: 20 and the 6th amend.
- v. 5th amendment violation - illegal forfeiture ordered without regard for due process; not charging properly, not determining which statute applies, not having a prescribed and required hearing, by not having a clear judicial record supporting the forfeiture.
- vi. 6th amendment violation - Failure to notify Plaintiff of criminal charges pending against him.
- vii. 5th and 6th amendment violation - Coerced information from Plaintiff while in unmonitored custody, which led to new investigation and charge in the underlying criminal case.

2. Defendants have conspired together to create a system that is biased in favor of conviction and sentencing. They have created a system of laws and rules that give plenary power to an unmonitored class of Nobility, that can and do with conspicuous disregard, flaunt constitutional protections. Federal judges are defacto liege lords of special social prominence in violation of the U.S. Constitution.

3. Defendant Lasker in violation of his oath of office, did fail to disclose a material personal relationship, to a putative victim. He did this and in other ways interfere with the Plaintiffs defense to the criminal action and make prejudicial commentary regarding the ~~Rakim~~ Plaintiff in front of the Jury.

4. Defendant Lasker et al engaged in an illegal application of sentencing determination despite specific application instructions and notes, and a black letter reading of the U.S. Sentencing Guidelines. This was done solely to support the Prosecutions wish for a harsh sentence and failed to then rule on his findings of law as to the reasons underlying his application of this enhancement.

5. Defendant Levinson, Sullivan and Lasker, did conspire together to deprive Plaintiff of his 1st, 4th, 5th, 6th, 8th, and 14th amendment rights by denying him lawfully prayed for relief; by bypassing his rights to constitutional and statutory due process; by illegal search and seizure; by manipulation of statutory law, rule and procedural guidance; by seeking punishment as opposed to justice as ~~sworn~~ sworn in the Defendants oath of office.

6. Defendant Congress in creating laws of sinecure for Federal Judges, have exceeded the constitutional boundaries of

Article 1 cl. 9 (p8) by creating a class of Nobility and conferring this title upon select individuals and thus elevating them in permanent stature amongst the rest of society. This is an ~~un~~ unconstitutional construction and mandates that this action. The Plaintiff asserts that such laws providing for any sinecure or lifetime appointments be repealed or amended to comport with the Constitutional prohibition and appropriate provisions thereof. This includes the constitutional provision that the "salaries of Judges of the Supreme Court shall not be reduced during service." Not that they shall receive a sinecure for life not without starting service.

Cause of Action:

7. The Plaintiff alleges conspicuous and willful violations of the duties and oaths of office by Public ministers. Defendants Congress, Defendant Lasker, Defendant USAG are by their duties public ministers; having to uphold specific laws and prescribed duties. The Plaintiff alleges as reincorporated as if fully restated here that the Defendants have willfully and with knowledge violated these sworn oaths.

8. The Plaintiff alleges conspicuous and willful violations of the duties and oaths of office by Public officials, namely: Defendant Levenson, Defendant Sullivan, Defendant USAG. by their single minded goal of conviction and punishment in disregard for the law and Justice.

9. The Plaintiff alleges conspicuous and willful and deliberate lack of oversight of Public officials and Ministers by both Public Ministers and Public officials. Defendants U.S. Congress, U.S.A., USDC, USDOJ have failed to put in place proper governance to prevent misuse and abuse of position by their officials,

~~XXXXXXXXXXXXXXXXXXXX~~

agents and employees.

10. The Plaintiff alleges that his rights as defined in the U.S. Constitution have been deliberately usurped, ignored and sundred out and through both incompetence and deliberate indifference and malice. During the course of Plaintiff's trial and sentencing, he relied upon the application of statutory and constitutional law. However, since this reliance invonveirced the court and the prosecution, The court avoided the law completely and acted with plenary powers to seek the ends of justice personally mandated, not those mandated by law or societal imperative.

11. The Plaintiff alleges that willful violations of his civil rights have cost him his liberty, his property, his freedom to practice his religion, his rights to due proces of law, as well as subjected him to cruel an inhuman punishment and excessive fines, all by deliberate action and inaction of the Deendants

12. The Plaintiffff alleges that in constructing inferior courts, that tCongress has created a Nobility class not subject to democratic process in violation of the Constituion. Since the judges of the federal courts, serve pursuant to an emollu nt of a title of Nobility and no at competent or comported jurisprudence. This is a willful unconstitutional piece of ledge in anticipated gerrymandering of policy.

13. The Plaintiff alleges that these excess's are contrar to law and the principles embodied in the U.S. Constitution. Further, the Plaintiff avers that the only court able to grant the relief prayed for is the US Supreme Court as pled herein.

Jurisdiction:

14. The primary Defendant, Morris E. Lasker, is a sitting U.S. District Court Judge. It is a well established dictum

of jurisprudence and law, that one cannot be tried in his own court. Since, Defendant Lasker is a life-time appointee, subject only to serving as to "good behavior" and the relief sought is not just his removal due to incompetency or mental aberration, but, also encompasses the re-examination of the whole concept of life-time appointments for singular judges; no inferior court exists that can hear this matter. The Plaintiff intends to challenge and suggest that Congress, in establishing a special class of persons has created a defacto Nobility in violation of the U.S. Constitution. US District court Judges cannot be fired, they can presently only be impeached by congress. They also have no mandatory retirement or competency requirements for which an objective test can determine the fitness of a sitting judge. The Plaintiff intends to assert that this concept is an anachronism that has no place in the present day and is specifically against Constitutional intent. In as much as interpreting the Constitution for Congress is solely the job of the U.S.S Supreme Court, jurisdiction is firmly and properly asserted.

15. Specifically the Constitution in Article III provides that suits involving Public Ministers are to be heard by the Supreme Court. The Plaintiff is unable to find any controlling rulings out of the Supreme Court that limit the interpretation of "public ministers" as to ONLY be Foreign ministers. Therefore, the Plaintiff looks to both legal and common understanding of the Constitutional language. The Plaintiff asserts that a "Public Minister" is any official that is either appointed or elected to promulgate duties and directives absent oversight save from statute or Constitutional law for the general service of society. This distinguishes an employee who takes direction from an authority of some person entity. Defendant Lasker, Defendant Congress,

Defendant DOJ, Defendant U.S.A.G are all public ministers. There is no inferior court that can adjudicate the Plaintiffs action against the listed defendants.

16. The XIth amendment avails the parsimonious application of original Supreme Court jurisdiction. It allows for an inferior court to hear and adjudicate certain cases that otherwise would be exclusively the province of the Supreme Court provided that the inferior court can grant the relief prayed for. However, the issues and defendants involved in the Plaintiffs action preclude any substitute jurisdiction. Further, the judgment prayed for is not available in any other jurisdiction and an inferior court would have to dismiss virtually all the Plaintiffs action since the Court would be without ability to grant the Plaintiffs sought after relief.

Ripeness:

17. The damage done and accruing to the Plaintiff is quantifiable and the record is perfected as to the cause of action and causation thereof. The plaintiff is praying for damages, injunctive relief and directed findings of law. These prayers can be adjudicated from the present state of the facts despite the ongoing nature of the defendants meretricious conduct. Further, this court can mitigate the ongoing damages and direct her parties toward an appropriate conclusion; Whereas, no other court can assert proper jurisdiction over the issues promulgated herein.

18. Any delay in joining this action will do increasing harm to the Plaintiff and others in his and similar position. This court has a duty to swiftly adjudicate the matters herein as the issues presented raise substantial questions of law and fact that can and does affect society as a whole.

Facts:

19. Plaintiff was prosecuted by means of a series of Informations propounded by Defendant Levenson and Defendant Sullivan, on behalf of Defendant U.S.A., alleging bank fraud under 18 U.S.C. §1344, as well as 18 U.S.C. §981 civil forfeiture, and 28 U.S.C. 2461 (c), and 18 U.S.C. §853. (Plaintiff notes the issue of whether the forfeiture is "criminal " is still unresolved and is a basis for his ongoing appeal)

20. The first "Information" was submitted to Plaintiff, who subsequently waived indictment. This information was superseded by a "Second Superseding Information" and propounded for waiver of indictment, contemporaneous with the start of the trial. This information contained new charges that allegedly occurred 6 months after the original information was filed. It is undisputed that Defendant had no knowledge of the new charges until after the commencement of the trial. This, despite the court's receipt and denial of Plaintiff's petition for continuance due to his not having any trial preparation time or notice as to the charges alleged against him.

21. Plaintiff was convicted of all counts at a trial by jury before Defendant Lasker. This occurred despite numerous overruled objections as to the manner in which said trial was conducted, the nature of the charges, the admission of evidence and other too numerous issues.

22. Defendant Lasker, without any prescribed due process hearing, also subsequently entered an order of forfeiture in violation of the rules of the court, the controlling statutory laws, as well as without determining which statute the Court relied upon in finding for forfeiture in the first

place.

23. Defendant Lasker subsequently sentenced plaintiff to a term of 60 months incarceration ~~and~~ 3 years supervised release, and restitution in the amount of \$3,298,000.00 in specific contravention of supporting evidence and absent color of law or recorded judicial fact finding based upon evidence or a hearing ~~thereupon~~ thereupon.

Factual Allegations:

24. By failing to conduct any arraignment whether formal or informal or to seek a plea or enter a plea on behalf of the Plaintiff, Defendants Lasker violated the Plaintiffs 6th amendment, 5th amendment and 14th amendment rights.

It is a matter of record that the Plaintiff sought a continuance just prior to the trial date, by filing with the court (exhibit A) his motion that so stated reasons articulating a genuine lack of knowledge as to the charges or consequences thereof, lack of preparation, lack of dialogue with counsel, lack of discovery, and lack of being furnished a copy of the proposed information. Defendant Lasker, without inquiring of Plaintiff the status of his preparedness or ensuring that the personal 6th amendment right of the Defendant to be apprised of the charges, dismissed Plaintiffs lawful motion, without any notice to defendant.

25. Defendant Lasker, entered an illegal "preliminary order of forfeiture" in violation of Plaintiff's 5th, 6th and 14th amendment rights and of the rules of the court as well.

Plaintiff was entitled to a hearing to determine:

- i. The appropriate amount of forfeiture
- ii. The nexus of the property to be
~~xxxx~~ forfeited.
- iii. The property interest to be forfeit .
- iv. The appropriatness of forfeiture
~~xxxx~~ despite being mis-pled in the info ation
~~xxxx~~

It is undisputed that no hearing as provided by law was held. Therefore the Defendants operated outside the color of law in seeking to , and did in fact, deprive defendant of his Constitutional rights to due process. It is also undisputed that to this date there is not even a clarifying statement as to what statute of forfeiture applies.

26. Despite substantial legal objections, the Defendants Lasker and Levenson conspired together to illegally manipulate a guideline calculation to ensure the support for a draconian sentence to be imposed upon the Plaintiff.. In fact Defendant Lasker had made a prepared sentence determination, that he read into the record, that was prepared prior to the sentencing ~~hearing~~ hearing and Prior to Plaintiff's allocution Defendant Lasker rendered the sentencing hearing a farce inasmuch as he had already determined the sentence with specificity prior to the hearing. This is a clear due process and statutory violation.

27. Defendant Lasker and Levenson did support each other in an illegal computation and valuation of loss and the value of the collateral in question without an evidentiary hearing and by speculation absent evidence and facts. Such speculation resulted in an unsupported restitution order and an anomalous sentencing range having no support in the

record. Further, Lasker and Levenson refused to apply common and statutory law to the "facts" of the case in order to "betray" of the case. Together they did illegally apply the sentencing enhancement that was in fact proscribed by the acknowledged and undisputed facts.

289 The Defendants et al failed to insure that the Constitution and duties of all defendants were comported with the appropriate rules and statutory law. As such they abrogated any color of law under which they operate, inasmuch as their lack of oversight and control was deliberate and per-se negligent. The defendants have and continue to maintain the validity of their conduct notwithstanding, citation, argument, and pleading of the plaintiff that is based on clear statutory and constitutional mandate.

Relief:

29. Plaintiff does not intend to litigate his criminal appeal herein, but just provides the factual allegations to assist the Defendants in preparing their defenses. The Plaintiff seeks relief in the form of:

a. an injunction and sanction against Lasker and Levenson to keep them from participating in litigation involving any criminal matters as agents of the U.S. Government.

b. a finding that the terms, sinecure and lack of qualification for Federal Judges is unconstitutional and must be modified.

c. Damages to be awarded to the Plaintiff in an amount of \$100,000,000.00 (one hundred million dollars) of actual damages for deprivation of liberty, civil rights violations, loss of property and income, emotional and psychological

distress and costs associated with this action.

d. Punative damages in an amount assessed against each defendant sufficient to ensure that the Defendants will not engage in similar conduct in the future.

e. a recommendation to the Senate to commence impeachment proceedings against Defendant Lasker and to deprive him of his sinecure and hold him personally liable for monetary damages and other sanctions.

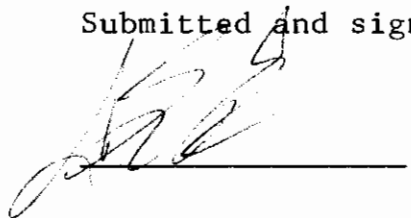
f. Specific findings of law as to the constitutionality of statutory laws that provide for dispensation of titles of Nobility and sinecure, and where appropriate, direct such findings to Congress to re-draft such laws as necessary to comport with the holdings herein resolved.

g. that Plaintiff receive a hand written and signed letter of apology from Defendant Lasker for his hubris in making improper and illegal findings in and during the course of Plaintiffs trial in Defendants court.

h. For any and all other relief that the court deems necessary and proper, given the circumstances herein acknowledged.

30. The Plaintiff demands that a trial on the merits by a jury of 12 be had and administered in accordance with law and the rules of the court, and that he be commanded to appear for any and all hearings and conferences.

Submitted and signed Pro-Se, Jamie Edelk d



August 25, 2005